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1 INDEX

2 WITNESS: PAGE NO.:

3 ANDREW YUKER, individually and on
behalf of YUKER TOWING & REPAIR, LLC

EXAMINATION:

6	By Ms. Stanley.....	5
7	By Mr. Verstandig.....	97
8	Rule 2004 Examination Correction Sheet....	107
9	Notary Reporter's Certificate.....	108

10 EXHIBITS: FIRST
MARKED REFERENCE

(\mathbb{R}^n is a Banach space, \mathbb{R}^m is a Hilbert space)

13	No. 1.....	12
	Text messages	
14	No. 2.....	53
	Text messages	
15	No. 3.....	47
	Text messages	
16	No. 4.....	56
	Invoices with summary sheet	
17	No. 5.....	69
	Photographs	
18	No. 6.....	89
	Auction photographs	
19	No. 7.....	91
	Chassis details	
20	No. 8.....	67
	Stark County Sheriff's Office Evidence	
21		
	and Inventory Receipt	
22		
23		
24		
25		

1	<u>(Premarked Exhibits - Continued)</u>	
2	No. 9.....	20
	Telephone call records	
3	No. 10.....	24
	Telephone call records	
4	No. 12.....	47
	Telephone call records	
5		
6		

7 **DOCUMENT/INFORMATION REQUESTS:**
8

9 None.

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1 - - - -
 2 ANDREW YUKER, individually
 3 and on behalf of
 4 YUKER TOWING & REPAIR, LLC,
 5 having been first duly sworn to tell the truth,
 6 the whole truth, and nothing but the truth,
 7 testified as follows:
 8 - - - -

EXAMINATION

10 BY MS. STANLEY:

11 Q. Good morning, Mr. Yuker.
 12 A. Good morning.
 13 Q. Can you state and spell your last -- your
 14 name for the -- your last name for the court
 15 reporter, please?

16 A. My name's Andrew Benjamin Yuker. Last name
 17 is Y-U-K-E-R.

18 Q. And what's your business address?

19 A. Which one?

20 Q. The one for Yuker Towing.

21 A. 876 East Broadway Street, Dickinson,
 22 North Dakota 58601.

23 Q. And what's the other business address that
 24 you have? Is that for Yuker Towing, also?

25 A. Yes. There's also 4148 First Street

1 saying "yes" and "no" as opposed to the "uh-huhs"

2 because that's hard for her to interpret as well.

3 A. Yes, ma'am.

4 Q. Okay. Can you just give me briefly your
 5 educational background?

6 A. Okay. I didn't graduate high school. I've
 7 got a GED.

8 Q. Have you always been in Dickinson?

9 A. No. I'm originally from Michigan.

10 Q. Okay. When did you move to Dickinson?

11 A. Approximately 2010.

12 Q. What prompted the move?

13 A. Better paying jobs in the oil field.

14 Q. And did your family come with -- you know,
 15 like your parents come with you, or did they stay in
 16 Michigan?

17 A. My brother and my father moved out here a
 18 month prior to me moving out here. I followed them,
 19 and then my mother followed behind me.

20 Q. So most of your family, then, moved out here
 21 in 2010. Is that right?

22 A. Correct.

23 Q. Who started the business Yuker Towing? Was
 24 that you or your dad or a family business?

25 A. It was just solely me.

1 Southwest, Dickinson, North Dakota.
 2 Q. What's the difference between the two?
 3 Like, what do you do differently at the two
 4 addresses?
 5 A. One is a storage yard, and one is a repair
 6 shop where we maintain all of our equipment.
 7 Q. Which one's the storage yard?
 8 A. The 876 East Broadway address.
 9 Q. Okay. Have you ever had your deposition
 10 taken before?

11 A. No.

12 Q. Ever had to testify in court before?

13 A. I have.

14 Q. What was that for?

15 A. Some prior criminal history.

16 Q. Okay. I'm guessing your attorney probably
 17 went over kind of the rules, but when we take a
 18 deposition by Zoom, it's really hard for the court
 19 reporter to take it down if we talk over and
 20 interrupt each other, so --

21 A. Right.

22 Q. -- just try to be mindful of that. I am bad
 23 at that, so try not to let me talk over you, and,
 24 hopefully, I'll give you the same courtesy.

25 And then, also, the other main thing is

1 Q. All right. Did you have experience in that
 2 before you moved out here?

3 A. No.

4 Q. So do you have any other businesses other
 5 than Yuker Towing?

6 A. Not that are collecting any revenue.

7 Q. Were they collecting revenue at some point?

8 A. No. They're new businesses.

9 Q. So tell me a little bit about Yuker

10 Towing & Repair. Did you -- you started in 2010?

11 A. I started Yuker Towing in -- I believe it
 12 was 2017.

13 Q. So what did you do in the seven years before
 14 you started that business and you were in Dickinson?

15 A. When I first came to Dickinson, I was a
 16 diesel mechanic for Power Fuels in Dickinson. From
 17 there, I went to Alternative Wrecker Service and
 18 worked for him for about a year. And after leaving
 19 his business, I went to Wildfire Hyperheaters and was
 20 a diesel mechanic for an additional three or four
 21 years.

22 Q. Okay. And if you had to describe what the
 23 business does, just in elevator speech, if you will,
 24 what would you say Yuker Towing does?

25 A. I would say it's a full-service company for

1 anything that a customer needs.

2 Q. With regards to towing? repairs? What?

3 Like, any limitations on that?

4 A. I would say very minimal limitations because
5 we can always subcontract out anything that we can't
6 handle ourselves.

7 Q. Do you do primarily -- I mean, primarily --
8 how much of your work is out in the oil field, oil
9 patch area?

10 A. Probably 75 percent of our business or more.

11 Q. Okay. And is it towing, primarily towing,
12 or do you go out and actually fix equipment in the
13 field?

14 A. We do not -- we do minimal repair work for
15 any customers. That was a change in our business
16 policies made approximately two years ago due to lack
17 of payment on so many accounts. The majority of our
18 business is either towing or general trucking of some
19 sort.

20 Q. Did you say "rental trucking"?

21 A. General trucking.

22 Q. Oh, general trucking. Okay. Sorry. I
23 better turn up my volume.

24 A. Within the last year, we have added some
25 rental work.

1 Q. Okay. How many employees does Yuker Towing
2 have?

3 A. I believe currently 17.

4 Q. Any family members involved in the business
5 right now?

6 A. No.

7 Q. Sir, with regards to the -- did you call it
8 the tow yard, or what did you refer to it as earlier?

9 A. The storage yard.

10 Q. The storage yard?

11 A. Yes.

12 Q. Okay. Can you kind of give me an
13 explanation of how it works? Like, you know, is
14 there a privacy fence? Is there a gate? Anything
15 like that?

16 A. The storage yard at 876 East Broadway has a
17 fence. Some of it is a privacy fence; some of it is
18 made up of Conex containers and previously wrecked
19 storage van trailers. The contents of the yard are
20 generally impounds and abandoned vehicles.

21 Q. Okay. Is there any sort of gate to get in?

22 A. There is a gate at that property.

23 Q. And how do -- like, is it a locked gate?

24 A. Yes.

25 Q. Is there a code to get in?

1 A. Key.

2 Q. Okay. So does Stark Energy or Andy -- or,
3 I'm sorry -- Robert Fettig have any sort of
4 involvement in this business with you?

5 A. No.

6 Q. How do you know Robert Fettig?

7 A. He was a former customer.

8 Q. So when did you first meet him?

9 A. Approximately 2018.

10 Q. And how did you meet him? Was it through
11 the business?

12 A. My -- Rob Fettig ran his trucks for Power
13 Fuels, and my father was still employed there. He
14 was a dispatcher. Rob had a truck break down or get
15 stuck, I don't remember which, and when Rob couldn't
16 find a wrecker service, my dad gave him my number.

17 Q. Okay. So that would have probably been
18 around 2018, you said?

19 A. I believe so.

20 Q. How long -- how did you typically
21 communicate with him? Was it phone calls? text
22 messages? emails?

23 A. Generally, phone calls, and as the years
24 progressed, he did start texting more.

25 Q. Did you do a lot of business with him from,

1 like, 2018 to 2021?

2 A. We did a lot of business with Rob Fettig
3 from 2018 to the beginning of the COVID pandemic.

4 Q. So early 2020?

5 A. Yes.

6 Q. And then did his business drop off at that
7 point, or what happened?

8 A. Yes. When oil prices crashed and the oil
9 field died off, he lost a lot of business and didn't
10 need our services as much.

11 Q. Did you provide your attorneys with copies
12 of text messages between you and Mr. Fettig to give
13 to my office?

14 A. I did, ma'am.

15 Q. Okay. Can you take a look at Exhibit 1?

16 MR. VERSTANDIG: Ms. Stanley, can you either
17 project the exhibits or email them to me?

18 MS. STANLEY: I did ask my assistant to give
19 you the link to download them.

20 MR. VERSTANDIG: I'm not seeing it as of
21 yet. I don't mean to hold you up. I just want to
22 make sure I can keep track of what's going on.

23 MS. STANLEY: Yeah. I will just make sure
24 that email went out. Right? Oh.

25 (Brief pause in proceedings.)

1 Q. (BY MS. STANLEY) Do you have the exhibits,
2 like, in paper form in front of you, or --
3 A. Yes, ma'am. I have the exhibits in paper
4 form in front of me.

5 Q. Okay. I'm looking at the first page of
6 Exhibit 1. Do you see on the bottom that it's
7 identified as GC 0001 in really small print?

8 A. Yes, ma'am.

9 Q. Okay. So I'll probably refer to that
10 GC 0001 as we go through these. It's kind of like --
11 what we call a Bates marking, a Bates stamp, so
12 that -- just so you know.

13 A. Okay.

14 Q. Because there's always a lot of shuffling of
15 paper in these things.

16 A. Okay.

17 Q. So can you tell me what that first -- on the
18 first page, do you see 0001? Mr. Fettig's comment
19 about \$3,750,000? Mr. Yuker, do you remember this?

20 A. I vaguely remember it. I believe that was
21 in regards to an attempt to sell his business or sell
22 a portion of it.

23 Q. Was he asking you to buy it?

24 A. I don't remember if that message was when he
25 asked me about purchasing his business, but he has

1 Q. Do you know Delene Fettig?

2 A. That is Rob Fettig's mother.

3 Q. Have you spoken with Delene Fettig on the
4 phone and/or by text message?

5 A. I have spoken with Delene on the phone, and
6 I believe we have text messages back and forth.

7 Q. Okay. Did you provide your attorneys with
8 copies of text messages?

9 A. I did.

10 Q. Did you provide your attorneys with copies
11 of phone call records between you and Delene Fettig?

12 A. I did.

13 Q. What's your impression of how Delene
14 Fettig -- how involved was she in the Stark Energy
15 business?

16 A. I'm not entirely sure how involved she was.
17 From time to time, if Rob was unavailable, she would
18 contact me for Rob, and that was most of my dealings
19 with her.

20 Q. Okay.

21 MR. MURTHA: I put up share-screen on the
22 exhibit, if that works.

23 MS. STANLEY: Yes. Thank you.

24 Q. (BY MS. STANLEY) Have you had interactions
25 with people other than -- like, other employees of

1 asked me to purchase his business or to take on
2 partners to purchase his business.

3 Q. In the past? Like how long ago?

4 A. I do not recall.

5 Q. What about the -- what's the reference for
6 the three vehicles that's on March 12th on this page,
7 2018 Volvo tractor, 2015 Great Dane trailer, and a
8 2012 Peterbilt 367? Do you know why he was sending
9 you that information?

10 A. I do not recall.

11 Q. Okay.

12 A. I believe it had something to do with that
13 equipment possibly being paid off, that he was
14 wanting to sell that equipment if he couldn't get the
15 above amount.

16 Q. Okay. And was he asking you to buy it, do
17 you think, or --

18 A. Probably.

19 Q. I'm going to backtrack just a little bit.

20 Did you provide your attorneys with copies of phone
21 call records between you and Mr. Fettig?

22 A. Yes, ma'am, I did.

23 Q. Okay. And those were to be turned over to
24 my office. Is that correct?

25 A. I believe so.

1 Stark Energy?

2 A. Yes, ma'am. I had interactions with many of
3 his drivers and several of his mechanics.

4 Q. Okay. Just over the years when you were
5 providing services?

6 A. Correct, ma'am. When the trucks broke down,
7 I would sometimes be giving the driver a ride back
8 with the truck to his shop in Belfield or wherever it
9 might be going, and I would interact with his
10 mechanics and let them know of any other issues I
11 might have had in towing the vehicle to his shop.

12 Q. So if something was broken down, who would
13 typically contact you? Would it be Mr. Fettig?

14 A. Typically, yes, it was Rob Fettig.

15 Q. Have you personally --

16 A. And --

17 Q. -- been out to the business premises for
18 Stark Energy?

19 A. I didn't understand the question.

20 Q. Like, do you know where Stark Energy has its
21 primary business premises?

22 A. I know where the shop's located in Belfield.

23 Q. Okay. Have you been out there a bunch of
24 times or just a few times?

25 A. Over the years, I would say I've been out

1 there probably around 150 times.

2 Q. Did Yuker Towing -- when you would -- when
3 it would provide services to Stark Energy, how would
4 it typically bill for that? Would an invoice be
5 sent? A statement? How would you do that?

6 A. We typically emailed an invoice, and then
7 either Rob or his mother would drop off a check after
8 two or three invoices were due.

9 Q. Did you provide your attorneys with copies
10 of invoices that Yuker Towing had issued to Stark
11 Energy?

12 A. Yes, ma'am, I did.

13 Q. I'd like to take a look at the second page.
14 Do you see 0002 of the text messages, Exhibit 1?

15 A. Can you restate what I'm looking for?

16 Q. Yeah. On the second page of Exhibit 1, it
17 says: We have visitation?

18 A. Yes.

19 Q. Next Tuesday?

20 A. Yes, ma'am.

21 Q. Right there, on May 11th. What was this
22 regarding?

23 A. That was in regards to my father's passing.

24 Q. Okay. Did Mr. Fettig go to the memorial?

25 A. He did not.

1 A. I'm not entirely sure, but I believe that
2 Mr. Fettig has a misunderstanding of how the towing
3 and repo world works and that he thinks everyone is
4 completely connected.

5 Q. So was somebody trying to repossess
6 something of Stark Energy's?

7 A. I believe he did have a couple of trucks
8 that were up for repossession at the time.

9 Q. And this is in June of 2023?

10 A. Yes, ma'am.

11 Q. Towards the bottom of page 7, it says: The
12 broker on your trucks is CR2 out of New York.

13 Do you know what that meant?

14 A. That was the company that was trying to
15 repossess the two trucks that he had referred to in
16 the above message.

17 Q. So what kind of -- do you remember what kind
18 of trucks they were?

19 A. I don't, ma'am.

20 Q. Okay. So your comment a little bit above
21 that, too, that says: I was worried they were going
22 to contact another wrecker company. It's none of my
23 guys. Those repo brokers are like hound dogs.

24 What does that mean?

25 A. I was trying to put Rob at ease because he

1 Q. Okay. Looking at the third page, do you see
2 0003 at the very bottom? It says: We should meet at
3 my office. I want to show you something.

4 A. Yes, ma'am.

5 Q. Do you know what that was in regards to?

6 A. I don't recall.

7 Q. Okay. A little bit above that, on June 3rd,
8 also, it says: Got some money for bill.

9 When did -- did Mr. -- did Stark Energy
10 start having an ongoing issue with payment?

11 A. Yes, ma'am.

12 Q. When did that start?

13 A. During the COVID pandemic.

14 Q. Okay. Would they make random payments or
15 just always had a balance, or what do you recall?

16 A. If I recall correctly, we haven't received
17 any form of payment that was actually sufficient in
18 any way since the COVID pandemic.

19 Q. Can we take a look at page GC 0007?

20 A. Yes, ma'am.

21 Q. And this is June 18th. Yeah, right there

22 where it starts: Will you tell your repo fellas to
23 chill to someone's out?

24 Can you explain what this long passage is in
25 the text messages?

1 had began to be upset with me, as if I was trying to
2 take his equipment.

3 Q. And had you been retained to do that?

4 A. No, ma'am.

5 Q. Here's kind of the point where I wind up
6 flipping between exhibits. Can you look at
7 Exhibit -- I believe it's 9?

8 A. Yes, ma'am.

9 Q. This is -- can you tell me what this is,
10 first of all, Exhibit 9?

11 A. Looks like it is phone records.

12 Q. And that phone number at the top, (989)
13 858-0805, is that your phone number?

14 A. That is correct.

15 Q. Okay. So are these your phone records?

16 A. That is correct.

17 Q. Okay. Looking towards -- let's see --
18 July 10th, this is Gate City 176. A little bit more,

19 I think. There you go.

20 It looks like there's one, two, three,
21 four -- five calls on that day, and they were

22 fairly -- a couple of them look like they were fairly
23 lengthy. Do you have any idea what this call was
24 about?

25 A. I don't, ma'am.

1 Q. Okay.

2 MS. STANLEY: Can we go -- and thank you,
3 Mr. Murtha, for your assistance. I greatly
4 appreciate it.

5 Q. (BY MS. STANLEY) Go back to Gate City
6 page 8. This is Exhibit 1, the text messages again.
7 This is June 18, 2023. It says at the -- yeah, at
8 the very top: With them being out of state, I'm sure
9 they're just calling every wrecker company in the
10 area.

11 What did that mean?

12 A. That was in regards to the two trucks that
13 he had up for repossession in the previous text
14 messages.

15 Q. Okay. Is that how it works in the industry,
16 that somebody -- I mean, can you explain to me how
17 this works?

18 A. I can explain how our limited engagement in
19 repo has worked.

20 Q. Yeah.

21 A. We'd done some repo work for Sample Auto
22 before they closed up, and when Sample Auto had a
23 vehicle that was -- they had a point of outstanding
24 debt and no payments were being made, he would
25 contract us to repossess the vehicle and bring it to

22 him.

2 Q. So this New York company that was referred
3 to I think a page earlier, did they try to contact a
4 local company, sort of subcontract out?

5 A. I believe so.

6 Q. The next comment you had down there: I
7 would be careful. There are wrecker companies that
8 will just come and take them.

9 Was he -- you know, why did you make that
10 comment to him?

11 A. Because at the time Rob had told me that he
12 was trying to work out some type of deal with the
13 bank, the financial institution that he owed money to
14 on those trucks, and that way they were no longer up
15 for repossession.

16 Q. Do you know if he was trying to hide them
17 from the bank?

18 A. I'm not aware of that.

19 Q. Let's look at Gate City 0010. Yeah. Right
20 at the very bottom there, July 21st. It's right up
21 at the top. It says: Can I move a truck to your
22 lot?

23 Do you recall this?

24 A. Not in particular.

25 Q. Okay. Did trucks get moved to your lot?

1 A. At some point they did, yes.

2 Q. Why would a -- why would he ask this?

3 A. Because at some point he was trying to hide
4 a lot of equipment from the banks that he owed money.

5 Q. Now, did he say that to you, or was this
6 just your impression, or why do you think that?

7 A. He eventually told me that.

8 Q. Was this in a phone conversation?

9 A. I believe so.

10 Q. Do you have any record of -- you know, like
11 a delivery ticket or anything like that for if things
12 got put on the lot, on your lot?

13 A. I do not. Typically, if Rob Fettig brought
14 equipment to my lot, what we would do is try and get
15 it into an area where he no longer had access to it
16 and more or less hold it hostage from him, because
17 some of the trucks we had noticed had been quite
18 dismantled or just in general beat to crap.

19 Q. So you said "hold it hostage from him." I
20 mean, is this -- this one that we're looking at here,
21 "Can I move a truck to your lot," this was him
22 requesting that. Right?

23 A. Correct.

24 Q. Did you ever go out and -- that you can
25 recall -- seize equipment without his permission or

1 without his request?

2 A. Yes.

3 Q. When was that?

4 A. I would have to look at the exhibit with the
5 invoice date, but we impounded a truck from Sweet
6 Crude truck stop in Grassy Butte for abandonment on
7 their property.

8 Q. So was this a request from Sweet Crude?

9 A. Yes, it was.

10 Q. Are there any others that you can think of?

11 A. Not off the top of my head.

12 Q. So looking at -- this is Exhibit 9, page
13 Gate City 186. It's -- yeah. Oh, you're on
14 Exhibit 10. Actually, I'm looking for July 21, 2023,
15 dates. Yeah. There. No. Go back. Those ones.

16 What does the Gate City number at the bottom
17 of that show? 170. Okay. So my numbers are a
18 little bit off.

19 It looks like there's one, two, three --

20 four phone calls on the same day with -- this is
21 Mr. Fettig's phone number, by the way. I think I
22 forgot to say that earlier. Is that correct? (952)

23 210-6610?

24 A. I believe so.

25 Q. This July 21, 2023, date had four calls, and

1 that's the same date as this text message that said,
 2 "Can I move a truck to your lot." Do you recall
 3 anything about these four conversations?

4 A. Not in particular.

5 Q. Do you think you would have had a
 6 conversation with him about what truck he wanted to
 7 move to your lot?

8 A. No. I have a feeling that the conversation
 9 would be more along the lines of him rambling on
 10 about how he was going to pay everybody and that
 11 everything was going to be rainbows and sunshine
 12 someday.

13 Q. Did he do that a lot?

14 A. Yes.

15 Q. Okay. Can we go back to Gate City 10 again?
 16 Exhibit 1. He said: Can I move a truck to your lot?

17 This is July 21st.

18 And then you respond: Yeah. If you want to
 19 park it at my place, that's fine.

20 So do you recall if he did park something,
 21 or not?

22 A. I do not recall.

23 Q. Did he request to do this more than this
 24 occasion?

25 A. Yes, he did.

1 worked in frequently and dropped them off, so I was
 2 aware that he had frac tanks. And we tried to make a
 3 deal to put them in with my rental tanks rather than
 4 them just sitting there on a Hunt Oil location
 5 basically rotting away.

6 Q. So did that actually come to pass, that you
 7 helped rent these tanks out?

8 A. We were able to recover two of the tanks.
 9 One was lost in the field. We never did find it.

10 Q. And then were they rented out?

11 A. After we replaced frac tank valves, flanges,
 12 and had the tanks cleaned, then, yes, we were able to
 13 rent them out.

14 Q. Okay. And how did the payment for that go?

15 A. The initial payments were all put towards
 16 the cost of repairing the tanks, and then anything
 17 past that was applied to his debt that he owed.

18 Q. So was the check -- like the payment
 19 actually issued to Yuker Towing, or who was the
 20 payment for that issued to?

21 A. It was issued to Yuker Towing.

22 Q. And did this then decrease his accounts
 23 receivable that was owed?

24 A. It never made it past -- it actually never
 25 even paid for the materials and services required to

1 Q. Do you remember how many times?

2 A. I do not.

3 Q. Did you always give him permission to do
 4 that?

5 A. I did.

6 Q. Okay. Did he say -- I mean, did he say why
 7 he wanted to do that?

8 A. He said because he owed money on the
 9 equipment and it was up for repossession and people
 10 were looking for it.

11 Q. Did he say what people were looking for it?

12 A. I believe at one time he mentioned the
 13 sheriff's department, but that was all I recall for
 14 him mentioning who was looking for it.

15 Q. Okay. Let's look on page Gate City 12.

16 This is also July 21st. One more. Yeah.

17 It looks like you're asking him about a
 18 couple of frac tanks and if I "can put them out on
 19 rent for you." Can you tell me a bit about that?

20 A. Yes. I was looking for more rental frac
 21 tanks to be able to put with ones that I had
 22 purchased to take care of customers of mine, and I
 23 knew from -- I don't remember the date of the
 24 invoice, but there's an invoice where we had hauled
 25 three frac tanks out to the Hunt oil field that he

1 make the tanks operational.

2 Q. Are they still being rented out or not?

3 A. Occasionally.

4 Q. And are they still -- who rented them out?

5 I mean, like who was paying the bill for that?

6 A. We were renting them to Marathon Oil.

7 Q. Is this rental agreement still in place?

8 A. As far as I'm aware, yes.

9 Q. So is there any money still coming in from
 10 this?

11 A. On occasion.

12 Q. And it's still going to Yuker Towing?

13 A. To -- yes, towards the amount that was put
 14 into the tanks.

15 Q. How much was put into the tanks?

16 A. I would have to dig up all the invoices for
 17 that.

18 Q. Any ballpark amount?

19 A. \$12,000.

20 Q. Did Yuker Towing foot the bill for the
 21 repairs?

22 A. We did.

23 Q. Can we look at Gate City 16? This is, like,
 24 July 23rd. Let's see. If we go a little bit further
 25 down? There you go.

1 Right underneath that sort of keyboard on
 2 this page, it says: Got side dump down. Moving
 3 trucks to your yard.

4 Do you recall this?

5 A. Not in particular.

6 Q. What do you think that meant?

7 A. I would assume, by looking at that message,
 8 that he was bringing a side dump to our property.

9 Q. What would be the purpose of doing that?

10 A. Probably because he owed money on it.

11 Q. Was it -- is it your impression he was
 12 trying to hide it?

13 A. That would be my impression.

14 Q. So when something would get brought down
 15 there, would it stay there?

16 A. We did our best to move any equipment we
 17 could where he no longer had access to it once it
 18 arrived, and my explanation to Rob of why we were
 19 doing that was so the bank couldn't take it.

20 Q. So you were kind of blocking it in?

21 A. Yes, ma'am.

22 Q. When the equipment would arrive, I think you
 23 earlier said something about how it was damaged?

24 A. Yes, ma'am.

25 Q. Was it -- a lot of the equipment damaged

1 removed from our property, he did begin parking,
 2 running, and operating equipment there, and I was
 3 just not quick enough to get much of that trapped
 4 where he didn't have access to it.

5 Q. What was the timeframe on this? So are you
 6 saying that he actually sort of was staging things
 7 from your property?

8 A. Can you rephrase the question?

9 Q. I mean, was he actually parking things
 10 overnight and then using it the next day or something
 11 like that?

12 A. He did do that at times.

13 Q. What type of equipment was being used like
 14 that?

15 A. I want to say typically vac trailers and a
 16 couple of semis.

17 Q. What's a vac trailer?

18 A. It's a -- a pneumatic tanker.

19 Q. Did he have multiple of those?

20 A. I want to say approximately 10.

21 Q. Are those referred to as Dragons? Is that
 22 like a brand of those trailers?

23 A. Dragon is a manufacturer of a vac trailer.

24 Q. Okay. And he had that brand or the -- that
 25 manufacturer's type of trailer?

1 when it arrived?

2 A. Nearly everything was damaged in some
 3 fashion.

4 Q. Were parts removed?

5 A. Lots of them.

6 Q. Did you ever ask him why that was?

7 A. I didn't. I assumed it was because he was
 8 trying to use parts from one to repair another so he
 9 didn't have the parts cost to keep his remaining
 10 trucks running.

11 Q. The next page is Gate City 17. At the very
 12 top there: Parking the truck in the back by the
 13 belly dump faced in.

14 Do you recall this?

15 A. Not in particular.

16 Q. Any idea what truck he's referring to?

17 A. I would assume one that ran. I -- I don't
 18 recall past that which one.

19 Q. Did he park equipment that actually -- like,
 20 did he only park stuff that wasn't functioning well,
 21 or did he park things and then take them back out and
 22 use them?

23 A. He did both. Most of it was equipment that
 24 didn't function well. Towards the -- the end of him
 25 parking stuff there and when the equipment was

1 A. Yes.

2 Q. So the Dragons would go there -- would be
 3 parked there occasionally, and then he would remove
 4 them?

5 A. There was, I believe, one or two trailers
 6 that he would continually manage to get out of our
 7 yard without me getting them blocked in before he did
 8 so.

9 Q. So how did he do this if it was locked?

10 A. Because he was doing that at the property we
 11 own, which is, I believe, 3046 Highway 22 North,
 12 which does not have a lock or gate on it.

13 Q. So would he ask you to use -- to park them
 14 at that one?

15 A. Yes.

16 Q. Was that something he would just randomly
 17 call and say, "Hey, can I park there?" or would he
 18 just do it?

19 A. In the beginning, he would generally call.
 20 Towards the end, he didn't call much. He would just
 21 kind of do it.

22 Q. Was he the person that was -- I mean, were
 23 his employees doing that, also, or was it just him?

24 A. He had a couple of employees at our yard I
 25 believe twice, and not the same employees either

1 time. He generally did not keep employees very long.

2 Q. Why is that, in your opinion?

3 A. From what I understand, he typically didn't
4 pay them.

5 Q. So going back to Gate City 17 here, that's
6 the text messages on July 23rd: Parking the truck in
7 the back by the belly dump faced in.

8 Is this -- which property is this?

9 A. I would --

10 (Andrew Yuker's Zoom connection
11 disconnected.)

12 MR. VERSTANDIG: I think we've lost the
13 deponent.

14 MS. STANLEY: Oh. Mr. Murtha, can you hear
15 us?

16 MR. MURTHA: (No audible response.)

17 MS. STANLEY: Mr. Murtha, can you hear us?

18 MR. MURTHA: (No audible response.)

19 MS. STANLEY: Mr. Yuker has dropped off.

20 We can go off the record.

21 (A discussion was held off the record.)

22 Q. (BY MS. STANLEY) Okay. I think I left off
23 asking about parking the truck in the back by the
24 belly dump faced in. Do you know which property this
25 would be referring to?

1 Q. Okay. Can we look at Gate City 0025? At
2 the bottom here he texts you a code number, 1694, and
3 you said: K. I'm here.

4 Were you out at the Stark property in
5 Belfield, or what was this about?

6 A. I believe so.

7 Q. Do you recall why?

8 A. I don't.

9 Q. Is there sort of a code to get into the shop
10 there?

11 A. I believe there is.

12 Q. Let's look at Gate City 26. There's a
13 picture there. Do you know, what type of equipment
14 is that in the picture?

15 A. You mean in front of the individual?

16 Q. Yeah.

17 A. That is one of Stark Energy's trucks.

18 Q. Do you know why they sent you this picture?
19 Were they trying to get your help to fix it, or --
20 any idea?

21 A. I believe he was trying to show off the
22 capabilities of his mechanic that he had hired.

23 Q. And that's -- is that the mechanic in the
24 picture?

25 A. I believe so. I didn't meet that

1 A. I believe it would be referring to the 3046
2 Highway 22 North property.

3 Q. So is that the -- that's the tow yard or the
4 repair yard?

5 A. That is our additional truck parking yard.

6 Q. And is that the one with a gate or not?

7 A. That one does not have a gate on it.

8 Q. Okay. Can we look at Gate City 0022? This
9 is also July 23rd. There's a long -- sort of a long
10 text here on July 23rd, something about: Gotta
11 figure this situation out and will be doing so some
12 way, shape, or form. Thanks for your time the other
13 day and for the advice and support.

14 Do you have any recollection of this
15 conversation?

16 A. I believe that that was in reference to a
17 conversation I had with Rob about -- since he could
18 not maintain employees to drive trucks and keep his
19 equipment on the road and income coming in, that he
20 should look at renting the equipment to bring in
21 revenue to pay his bills.

22 Q. Was he receptive to that idea?

23 A. He seemed to be.

24 Q. Was he asking for your assistance with this?

25 A. He may have been.

1 individual.

2 Q. Do you know where this picture is taken?

3 A. I'm -- I would assume Stark Energy's shop in
4 Belfield, but I -- I don't know that for sure based
5 on the picture.

6 Q. What about the next picture on -- yeah, Gate
7 City 27. Any idea what that piece of equipment might
8 be?

9 A. It looks like it would possibly be the
10 inside of one of Stark Energy's trucks.

11 Q. Would this be a Kenworth, do you think, like
12 a -- is that mainly what they had?

13 A. That is mainly what they had, yeah.

14 Q. Did you ever get, like, a list of their
15 equipment?

16 A. Not, like, what assets they own type thing,
17 other than what we received the day it was
18 repossessed.

19 Q. Was his equipment -- was Stark Energy's
20 equipment identified by numbers or anything?

21 A. Generally, yes.

22 Q. So where would they have that, like on the
23 side of it, or --

24 A. Most of it was on the hood.

25 Q. Oh. Did it say, like, "Stark Energy" on it

1 and then a number or something like that?

2 A. The identifying numbers that they used were
3 generally S-205, S-206, S-207, all, for the most
4 part, in order.

5 Q. Looking at the next page, Gate City 28, on
6 August 5th, it says: Need to move items.

7 Question mark.

8 Do you know what that refers to?

9 A. I don't. And my response in those text
10 messages is a question.

11 Q. Okay. Someone come by.

12 That was the question to him?

13 A. Yes.

14 Q. If we look at Exhibit 10, and -- there's
15 calls on August 4th, 6th, 7th, and 8th. Starting on
16 August 4th, it looks like there's -- and then the
17 next page, there's quite a few calls in here. Any
18 recollection of what these could be about?

19 A. I'm sure a lot of it pertained to Rob saying
20 his business was going to get better and he was going
21 to fix everything and pay us and a whole lot of
22 nonsense along those lines, and if it wasn't that, it
23 was probably him trying to beg me to loan him money
24 of some sort.

25 Q. But you don't recall if this was a point

1 A. To our property at 3046 Highway 22 North.

2 Q. Was this at his request, or did you go take
3 them without his permission?

4 A. I believe that was at his request.

5 Q. He talks about -- the next text message
6 below that is: Got my driver's license back
7 activated.

8 Did he lose his -- do you know why he lost
9 his license?

10 A. I do not.

11 Q. Okay. August 14th, it goes down: Andy,
12 give me a call when you get a chance.

13 And then: Do not talk to Matt until you
14 talk with me.

15 Who is the Matt that's referred to there?

16 A. I would believe that was his former business
17 partner.

18 Q. Matt Barrett?

19 A. Yes, ma'am.

20 Q. Why didn't he want you to talk to Matt?

21 A. I couldn't say for sure.

22 Q. Do you recall why he wanted to talk to you
23 in this instance, anyway?

24 A. I don't, but I would believe if it was
25 conversation including his former business partner in

1 when any -- Need to move items.

2 You don't recall if this was moving more
3 collateral, or --

4 A. I don't, ma'am.

5 Q. Okay. Going back to Gate City 0032, the
6 text messages, this is August 8th. Do you have a --
7 yeah, right here there's a: Just wondering about
8 sending a guy to move trailers.

9 Do you know what that referred to?

10 A. I would assume it was some type of agreement
11 we would have made about one of my trucks and drivers
12 moving some of his trailers from his Belfield yard to
13 our property at 3046 Highway 22 North.

14 Q. Maybe we like five of them.

15 What was he asking you there or saying
16 there?

17 A. Judging by the above message, I would assume
18 it was him trying to say that he was going to help me
19 find drivers for my trucks.

20 Q. Oh, okay. Did your employees help move his
21 trucks -- or, I'm sorry -- trailers?

22 A. I believe so.

23 Q. Any idea how many?

24 A. Maybe three.

25 Q. And where were they brought?

1 any way, shape, or form it was him trying to beg
2 people for money.

3 Q. Sorry. Can we go back to 28 again? I
4 missed something there. At the very bottom there,
5 this was, again, where he said: Need to move items.

6 And you had a question: Okay. Someone come
7 by?

8 That was a question.

9 And then: Not as of yet, but like you said,
10 that would be a smart play.

11 What do you think he meant by that?

12 A. I believe by this time I talked with Gate
13 City Bank here in Dickinson, and Stepheny Reger, the
14 bank manager here, made it sound like we would
15 potentially be helping Gate City recover the
16 equipment, and because of that, I basically tried to
17 convince Rob that if he parked all this stuff on my
18 property, that he wouldn't have to worry about it
19 being repossessed.

20 Q. Were you planning to help Gate City?

21 A. I was trying to. If you go through these
22 phone records, you will actually find calls that I
23 made back and forth with Stepheny Reger, the bank
24 manager here in Dickinson, in regards to this
25 equipment.

1 Q. Did that ever go any further, talking to

2 Ms. Reger?

3 A. It sounded like, the last time I had talked
4 to her, that we were supposed to be contacted by a
5 head branch, and that's -- we never got those calls,
6 but I did disclose in the phone calls with Ms. Reger
7 that we had several of Stark Energy's pieces of
8 equipment on our property even at those times.

9 Q. Can we look at Gate City 38? A little bit
10 further down. It says -- you said: You got some
11 belly dump work or you sell the trailers?

12 Do you recall this?

13 A. Not in particular, but --

14 Q. Is belly dump work aggregate hauling?

15 A. Yes, ma'am.

16 Q. Okay. I'm sorry. I interrupted you. What
17 were you going to say?

18 A. I was presuming that you were going to ask
19 what I was referring to.

20 Q. Was he -- was Mr. Fettig trying to sell
21 trailers?

22 A. Not to my knowledge.

23 Q. Why would you ask him that?

24 A. My guess is I had a tow going past his yard
25 in Belfield on September 27th and noticed that some

1 blocked in before it would disappear.

2 Q. So were you aware if this was a Gate City
3 piece of collateral or another creditor's piece of
4 collateral?

5 A. I assumed that it was a piece of collateral
6 connected to something due to the fact that he wanted
7 to hide it on my property.

8 Q. So when this one got towed out, what
9 happened to it? Did it go back to him, or --

10 A. I believe that one was released because it
11 had a load of production water on the trailer that
12 needed to be properly disposed of.

13 Q. When you say "production water," is this
14 like frac water?

15 A. It's oil field wastewater.

16 Q. Okay. What is the -- what type of -- so I'm
17 looking at that picture that's on the bottom of 39.
18 There's kind of a pop can in there. Is that one of
19 the Dragon trailers?

20 A. It appears to be.

21 Q. They kind of have that, like, rims around
22 the middle?

23 A. Most all vac trailers in the oil field are
24 built that way.

25 Q. And they -- sorry I'm being ignorant here on

1 of his equipment was gone out of the yard.

2 Q. Did you drive by there frequently?

3 A. Whenever I had work that caused me to drive
4 by there.

5 Q. So his comment back to you, how did you take
6 that?

7 A. Because he --

8 Q. Yep, working on chasing work been hell.

9 A. That he was trying to get work, but he would
10 probably just screw it up like he did much of the
11 other stuff he had going on.

12 Q. Can we look at Gate City 39? The Bakken
13 fail of the day.

14 What was this about?

15 A. That would be one of his drivers ran one of
16 his trucks and trailers off the side of the road with
17 a load on it, and he needed assistance to get it up
18 the hill.

19 Q. Did you guys assist with that?

20 A. We did.

21 Q. Was this -- do you know, was this a piece of
22 collateral that had been hidden before or on your
23 property before?

24 A. There were times where that one had appeared
25 and disappeared, and I was unable to get that one

1 how these things are actually used, but they call it
2 vac -- like, they actually vacuum things out?

3 A. They -- they create negative pressure in the
4 tanker and pull fluids, generally, onto the trailer.

5 Q. And you had indicated that he -- that Stark
6 Energy has several -- quite a few of these. Correct?

7 A. Correct.

8 Q. And these would -- were any of them actually
9 parked in at your property, or blocked in, I should
10 say?

11 A. Yes. I think there was six or eight of
12 them. I don't recall from what time to what time,
13 but there were numerous ones blocked in.

14 Q. And were some of them able -- like, were
15 some of them hidden there and then left again?

16 A. Not as long as I could get them blocked in.
17 Anything I could get blocked in, I left blocked in
18 and just fed Rob excuse after excuse of why I
19 couldn't move the stuff.

20 Q. Was there ever any discussion about
21 holding -- did he ever offer to let you hold his
22 property as collateral?

23 A. Yeah. There was talks of that.

24 Q. What do you recall about that?

25 A. I don't recall the particulars. It was --

1 it was prior to the talks we had with -- that I had
 2 with Stepheny Reger here at Gate City. He had made
 3 it sound as if much more of the equipment was paid
 4 for than turned out to actually be paid for.

5 We -- in fact, I believe that this tow that
 6 we did for him, or one in a near timeline, he offered
 7 to allow us equipment to make sure we would get paid
 8 for the job we did.

9 Q. So you mean like offered to give it to you
 10 or use it, or what do you mean by that?

11 A. We would hold it as collateral against the
 12 debt he owed us.

13 Q. And was this something that he offered, or
 14 you told him he had to do that, or how did that come
 15 about?

16 A. There was the discussion about a necessity
 17 for him to do that.

18 Q. Meaning -- I mean, are you indicating that
 19 you were pressuring him to figure out somehow to get
 20 you paid?

21 A. Yes, ma'am.

22 Q. But you earlier talked about you did go out
 23 on one occasion and actually take stuff; I think you
 24 mentioned Sweet Crude. Were there other occasions
 25 where you went out and took stuff without him knowing

1 about it or giving permission to take it?

2 A. I believe there was. I don't recall the
 3 exact occurrences. It would typically not be from
 4 his Belfield address. It would have been from
 5 another party that was requesting the vehicle be
 6 removed.

7 Q. Things were left abandoned? Is that what
 8 you mean?

9 A. For example, with the truck that was left at
 10 Sweet Crude, the truck stop in Grassy Butte, that
 11 truck remained in their parking lot for, I believe,
 12 three or four months, and they had contacted Rob to
 13 remove it, and he failed to do so until the point
 14 where they actually contacted us to remove it for
 15 him.

16 Q. Okay. Let's look at Gate City 44. This is
 17 Monday, October 23rd. Mr. Fettig says: I am out,
 18 brother. Call me. Be safe. Call me, and thank you.

19 Do you know what that's referring to?

20 A. I have no idea.

21 Q. Do you know if Mr. Fettig was incarcerated
 22 at any point?

23 A. I believe so.

24 Q. How did you find out about that?

25 A. I believe there was a phone call from Delene

1 saying that he had been incarcerated.

2 Q. Was that normal, for Delene to call you?

3 A. Delene generally made calls when Rob got
 4 himself tied up or otherwise unable to make the calls
 5 he wished to make.

6 Q. Can we look at Exhibit 12? I'm looking at
 7 October 21st. There's a bunch of green highlighted
 8 calls. Do you know if this is Delene Fettig's phone
 9 number?

10 A. I believe so.

11 Q. Did you get -- I think you mentioned earlier
 12 you got a bunch of calls around this time from
 13 Delene?

14 A. That would make sense.

15 Q. Looking at the next page over, there's also
 16 a bunch more other calls on the 22nd. Do you recall
 17 what these conversations were about?

18 A. I know that Delene was upset her son was
 19 incarcerated.

20 Q. Why was she calling you about it, though?

21 A. I don't think she had many friends.

22 Q. Did she ask you to do anything?

23 A. She may have.

24 Q. Let's look -- take a look at Exhibit 3. Are
 25 these text messages from Delene to you?

1 A. Yes, ma'am.

2 Q. Okay. And what was she -- you said
 3 something about: I'm going out to the and want to
 4 make sure everything is blocked in if you want to
 5 meet me out there.

6 Where were you going?

7 A. I would believe that would be to our 3046
 8 address on Highway 22 North.

9 Q. And this is the one without the gate. Is
 10 that correct?

11 A. Correct.

12 Q. And you would have -- you had the ability to
 13 actually park things in there, lock things in?

14 A. Yes, ma'am. I have about 20 tractor
 15 trailers of my own parked at that property, along
 16 with a bunch of oil field rental equipment and a
 17 large front-end loader and road grader.

18 Q. Did she meet you out there?

19 A. I don't believe so.

20 Q. So what was -- what Stark Energy equipment
 21 was out there?

22 A. At that time, I don't recall.

23 Q. But was there Stark Energy equipment out
 24 there?

25 A. I believe so.

1 Q. Is there any way to have a record of what
2 was out there?

3 A. Not really.

4 Q. Do you know if this is the point -- I mean,
5 you said earlier, I think, that sometimes he would
6 call and ask you to put stuff out there, but other
7 times it just showed up and disappeared. Do you
8 recall when that started happening?

9 A. I don't. Actually, I believe it was around
10 the time that Rob was incarcerated.

11 Q. That what?

12 A. That he began dropping stuff off without
13 asking first.

14 Q. Did he tell you why he was incarcerated?

15 A. What he told me was it had to do with the
16 equipment that was up for repossession.

17 Q. Anything else, like more detail on that or
18 just --

19 A. No.

20 Q. What did Delene say, why he was
21 incarcerated?

22 A. Delene didn't say.

23 Q. What about this reference to Paul with
24 Mondo's shop? Who is Paul with Mondo's shop?

25 A. He has a repair business in New Town, and I

1 everything and run, generally, for Rob Fettig and his
2 mother because of their nonpayment, but I believe the
3 following day we towed a 2007 International semitruck
4 from his shop in Belfield to our property at 3046
5 Highway 22 North.

6 Q. And which one is that again, the locked one
7 or the unlocked one?

8 A. The -- excuse me?

9 Q. Which property, again, was that, the --

10 A. That's the unlocked one.

11 Q. Okay. Anything else get towed?

12 A. I don't believe so.

13 Q. Just one piece of equipment?

14 A. Just one 2007 International that is black in
15 color.

16 Q. It is black in color?

17 A. Yes, ma'am.

18 Q. There are some phone records of Mr. Fettig's
19 conversation with his mother on this -- I believe it
20 is the October 22nd, where they talk about Black
21 Betty, and then there's a reference also to a white
22 one and a silver one. Any idea what that means?

23 A. I have no idea.

24 Q. But it was only the one piece that you
25 recall towing?

1 believe one of the calls that Delene had placed to me
2 was in regards to a truck they had that was broke
3 down in Utah.

4 Q. And what was she asking, like for the name
5 of the mechanic to fix it out there or something?

6 A. Yes.

7 Q. There's a reference here to: Black Beauty
8 has to go.

9 What does that mean?

10 A. I have no idea. I mean, I would assume it's
11 something that is up for repossession, but I don't
12 know what she refers to as Black Beauty.

13 Q. Are there -- so you said back to her: Are
14 there locks on the garage doors of the shop?

15 Did you go out to the shop on this -- at
16 this point?

17 A. Like on this date?

18 Q. Yes.

19 A. I don't believe so.

20 Q. And there's another: Is Black Beauty in the
21 shop or outside?

22 Did you -- did you bring anything from the
23 shop on this date or --

24 A. We did. We brought a 2000- -- I believe it
25 was the next day, because we -- we don't just drop

1 A. Yes, ma'am.

2 Q. Any motorcycles that got towed that you know
3 of?

4 A. No, ma'am. I know that he had a motorcycle
5 in the shop in Belfield for a long time that was
6 there pretty much every time I towed a truck in or
7 out of that -- that area, and, honestly, it just
8 collected dust in the corner of the shop.

9 Q. Looking at page Gate City 54, there's a
10 couple of pictures. Do you know what these two
11 pictures are of?

12 A. I believe those are of the 2007
13 International that was towed the following day.
14 We -- I believe I requested those pictures via phone
15 call to basically get an idea of how dismantled the
16 truck was before we hauled it out so that I knew how
17 many tools and equipment I was going to have to bring
18 to be able to even haul it.

19 Q. And how dismantled was it?

20 A. That truck, the tires were all stripped off
21 of it except for bare minimum junk tires; the lug
22 nuts were loose; the transmission had been removed;
23 and the hydraulic assembly, I think, was removed; and
24 the engine was dismantled.

25 Q. Any idea why all that -- it would have been

1 stripped like that?

2 A. My guess is those were parts that he could
3 use on other trucks.

4 Q. The pictures on page 56, that one and then
5 the one -- those two pictures, is this still the 2007
6 International?

7 A. I believe so.

8 Q. And were these the only text messages that
9 you were able to find between you and Delene Fettig?

10 A. I believe so. Whatever I turned in was all
11 that I had.

12 Q. Okay. Do you know whatever happened to this
13 2007 International when you towed it?

14 A. That truck is still parked on my property at
15 3046 Highway 22 North.

16 Q. That one wasn't taken during the -- when the
17 Dickinson -- or Stark County Sheriff was out there?

18 A. No, ma'am.

19 Q. Can we take a look at Exhibit 2? I should
20 ask you, was there -- when you were out there on this
21 evening that Delene was sending you these pictures,
22 or the next day, was there other equipment out there,
23 that you recall?

24 A. I believe there was. I don't recall how
25 much.

1 Q. Any idea what type?

2 A. I -- I don't.

3 Q. On Exhibit 2 here, which is Gate City 47,
4 you have a text at the very top: You don't have to
5 let them in the shop to investigate and make the
6 report.

7 Do you remember what that was about?

8 A. I don't.

9 Q. Further down, and this is January 9th: Dude
10 called sheriff on me.

11 Any idea what that was about?

12 A. I have no idea.

13 Q. The next page, January 19th, there's a
14 comment there that says: Can I park a?

15 What was that about?

16 A. If I had to assume, I would guess it was
17 about parking more equipment at our property.

18 Q. Do you remember if he did this, or --

19 A. I don't.

20 Q. And then it says: Just a couple of days.

21 A. I would assume he was referring to the
22 amount of time it would be there --

23 Q. Do you --

24 A. -- or his attempt.

25 Q. Which one would this have been at, do you

1 think?

2 A. Which property?

3 Q. Yeah.

4 A. The 3046 Highway 22 North.

5 Q. Okay. And that's the one that did not have
6 the lock?

7 A. Correct.

8 Q. Do you remember if he parked anything there,
9 or not?

10 A. On that date, I don't recall.

11 Q. When it's winter -- I mean, this is in the
12 middle of January. Is it still able to get in and
13 out with snow and -- at that location?

14 A. The front portion where I park all of my
15 equipment, I maintain, plowing it and keeping it
16 accessible.

17 Q. And is that where he would have parked it is
18 in that plowed section?

19 A. That would be my guess, yes, of where he
20 would park it.

21 Q. Is this visible from the highway?

22 A. Basically, yes.

23 Q. So on the -- when the sheriff's department
24 came out and seized the equipment on the -- well, do
25 you recall the date?

1 A. Yeah. It was my youngest son's birthday.
2 3/15.

3 Q. Okay. Did you talk to Mr. Fettig?

4 A. I don't recall.

5 Q. What did the sheriff's department indicate
6 to you as to why they were out there?

7 A. To repossess Stark Energy's equipment that
8 they found.

9 Q. Let's take a look at Exhibit 4. Can you
10 explain to me what this document is, this first page?

11 A. That looks like a spreadsheet of Stark
12 Energy invoices and possibly payments that they've
13 made.

14 Q. Going back to at least 2021?

15 A. I believe so.

16 Q. Okay. So earlier you were talking about
17 tow -- like the numbers of the equipment, S-208, 211.

18 Is that what you were referring to?

19 A. Yes, ma'am.

20 Q. And these would be numbers that are, like,
21 on the hood?

22 A. Correct.

23 Q. Okay. What about in the middle here? It
24 says loan of a thousand dollars, November 16 [sic],
25 '21. Did Yuker Towing make a loan to Stark Energy?

1 A. We did.

2 Q. Did you make another loan in -- \$5,500 loan
3 on December 7, '21?

4 A. We did.

5 Q. So it references "Fettig Enterprise
6 account." What does that mean?

7 A. Rob Fettig had told us that he needed the
8 loan to go into Fettig Enterprise's account for some
9 contract or something that he was working on.

10 Q. So you mean like his -- the bank account for
11 Fettig Enterprise?

12 A. Correct.

13 Q. Do you know much about what was -- what
14 Fettig Enterprise did?

15 A. I have no idea.

16 Q. Did Fettig Enterprise have, like, a separate
17 account with Yuker Towing?

18 A. No.

19 Q. So you never did any work for your
20 hauling -- hauling work or -- towing work, sorry, or
21 repairs for anything for Yuker -- for Fettig
22 Enterprise?

23 A. The only thing that we did that could be
24 related to Fettig Enterprises was -- slightly above
25 the loan on the spreadsheet, there is a "Tow from

1 Maine."

2 Q. Okay.

3 A. I believe that was one of Fettig
4 Enterprise's trucks and not Stark Energy.

5 Q. So did Fettig Enterprise have other
6 equipment from Stark Energy?

7 A. That truck was a Volvo that was hooked to a
8 dry van or reefer. I don't -- I don't quite recall.

9 Q. Do you know, what was the business of Fettig
10 Enterprise?

11 A. The only thing I know is what Rob told me,
12 which was to haul over-the-road freight.

13 Q. Do you know if it used the Stark Energy
14 equipment in that business?

15 A. I do not.

16 Q. Why was it being towed from Maine?

17 A. I -- I don't recall the particulars, but it
18 was something to do with fairly major engine trouble.

19 Q. There's two loans of \$50,000, December 29th
20 of '21 and January 4th of '22. What were these loans
21 for?

22 A. They were for him to try and catch up his
23 bills, that he was waiting on an SBA loan to come
24 through, and ours came through earlier than his.

25 Q. Okay. So you gave him sort of a short-term

1 loan to tide him over --

2 A. Yes.

3 Q. -- while his SBA loan came in?

4 A. Yes, ma'am.

5 Q. So I see there's loan repayments on
6 January 11th of \$50,000 and then January 19th of
7 \$50,000. Is that the repayments?

8 A. Yes, ma'am.

9 Q. And there's a -- one that's dated -- or it
10 looks to be a \$4,000 one that says "Impound from
11 Grassy Butte." Is that the one you were talking
12 about earlier?

13 A. I believe so.

14 Q. The one from Sweet Crude?

15 A. I believe so.

16 Q. Is there a difference -- your terminology is
17 "tow" everywhere else, but this one is "impound."
18 Why the different terminology?

19 A. Because that wasn't at the customer's
20 request. That was at the property owner's request.

21 Q. Is that something you typically use, that
22 language?

23 A. Typically.

24 Q. Looking at Gate City 59, it says a balance
25 of \$55,345.96. Is that how much is owed to Yuker

1 Towing?

2 A. I believe so.

3 Q. How was the -- you mentioned that there was
4 about \$12,000 to fix up the frac tanks. Was that
5 accounted for separately --

6 A. Yes, it was.

7 Q. -- or is that on here?

8 A. No. That was separate from this.

9 Q. Is it like on another spreadsheet or --

10 A. I don't know if it ever made it to any
11 spreadsheets. I believe it's still just cost and,
12 like, labor hours and stuff, like parts costs, and I
13 don't know if it was ever put together as a final
14 invoice.

15 Q. So how do you keep track of it, then?

16 A. We keep all the records in a folder.

17 Q. And are the invoices -- or the payments, I
18 should say, from the rental of the frac tanks, is
19 that in that folder, too, or --

20 A. No. That's on a separate spreadsheet.

21 Q. Let's look at Gate City 73. This is an
22 invoice dated 5/7/21. This is talking about the tow
23 from Maine. Is this the one you were referring to
24 earlier?

25 A. I believe so.

1 Q. And you said that these would typically be
2 emailed to the customer?

3 A. Yes.

4 Q. So would this get emailed to Mr. Fettig's
5 email or to, like, Delene's email?

6 A. I don't recall. Back when Yuker Towing was
7 a small operation, I emailed them to Rob. As we
8 grew, I hired office staff that handled that.

9 Q. Looking at Gate City 90, this is an invoice
10 dated 8/20/22. Can you explain what this invoice is
11 referring to?

12 A. I believe that that's in regards to towing,
13 that looks like a truck and trailer, to Yuker's
14 property for collateral on the debt that Stark Energy
15 owed.

16 Q. So was this at the request of Stark Energy,
17 or how did -- like, how did you know where to go find
18 this trailer and --

19 A. This would be at the agreement of Stark
20 Energy.

21 Q. Is this sort of the first time that -- I
22 mean, do you recall how this agreement that you
23 referred to came about?

24 A. I basically hounded Rob about making a
25 payment or giving us something to satisfy the debt he

1 A. We include hookup time in with empty travel
2 time, and that's billed at the same rate. And,
3 generally -- if you're towing something that is
4 sketchy or loose parts or something of that nature,
5 you generally don't drive the speed limit, so based
6 on the hours we had on that invoice, I would assume
7 it came from his yard and the truck and trailer were
8 in disrepair.

9 Q. Let's look at Gate City 93. This is an
10 invoice dated January 16, '23. Is this the one that
11 you'd been referring to before about Sweet Crude
12 contacted you?

13 A. Yes, ma'am.

14 Q. Did Sweet Crude have to pay for this
15 impound?

16 A. No, ma'am. That service fee goes against
17 the vehicle owner.

18 Q. Okay. So where did this one wind up?

19 A. In our yard at 3046 Highway 22 North.

20 Q. Do you recall if this one was repossessed --
21 or seized by the Dickinson -- or the -- sorry -- the
22 Stark County Sheriff?

23 A. I believe it was.

24 Q. Let's look at Gate City 96. This is an
25 invoice dated March 12th of '23. Can you tell me

1 owed us.

2 Q. Okay. And what did he agree to do, then?

3 A. Well, judging by the invoice, I would assume
4 he agreed to give us this truck and a belly dump
5 trailer for collateral on what he owed us.

6 Q. So when you refer to the Yuker yard, is
7 that -- that's the one with the gate. Right?

8 A. No. That would be the 3046 Highway 22
9 North, without the gate.

10 Q. Do you know if this one basically stayed
11 there, or was it in and out, or -- any idea?

12 A. I don't recall. If I had to guess, based on
13 Rob agreeing to let us take it, I would assume that
14 we had to tow it because it did not run and was
15 missing so many parts.

16 Q. So is this you -- if you go get it, you can
17 hold it?

18 A. That would be my guess, yes.

19 Q. I mean, it refers to one and a half hours,
20 so this was not in Dickinson. Is that right?

21 A. Correct.

22 Q. And how would you --

23 A. I would -- I would believe that would be
24 from his yard in Belfield.

25 Q. Is that how far it is away from your place?

1 about this one?

2 A. It looks like a tow for a semi and trailer
3 from, I would assume, Stark Energy's shop in Belfield
4 to our yard.

5 Q. And the reference, also, to "for collateral
6 for unpaid tows," do you recall this?

7 A. I believe so.

8 Q. So was this at the request of Mr. Fettig?

9 A. Yes, that would have been at the request of
10 Mr. Fettig.

11 Q. Was this -- do you recall if this equipment
12 was damaged?

13 A. I would assume so based on the fact that it
14 would need to be towed.

15 Q. What about the next one that says Gate City
16 97? This is an invoice dated May 7th of '23. Do you
17 recall this one?

18 A. I mean, not in particular, but it looks like
19 it was a truck and a trailer towed to the Yuker yard
20 from, probably, Stark Energy's yard in Belfield.

21 Q. And when you are referring to "Yuker yard,"
22 which one again?

23 A. The 3046 Highway 22 North.

24 Q. The next one, which is dated May 31st, Gate
25 City 98, this one talks about towing S-207 and a

1 trailer from Highway 85 near Fairfield. Would this
2 have been done at the request of Stark Energy?

3 A. Yes.

4 Q. You didn't have a tracking system on
5 anything, did you, on any of Stark Energy's
6 equipment?

7 A. I did not.

8 Q. So would the only way for you to find any of
9 this would be if they called and asked you?

10 A. Correct.

11 Q. Let's look at Gate City 101. This is dated
12 August 27th of '23. Do you know what this one is
13 talking about?

14 A. It looks like we hauled a belly dump, I'm
15 assuming, from Stark Energy's yard in Belfield to our
16 yard at 3046 Highway 22 North.

17 Q. Would this have been at the request of
18 Mr. Fettig or Stark Energy?

19 A. It would be either at the request or
20 agreement for -- as it says, that it's for unpaid tow
21 debt.

22 Q. There is another -- Gate City 103, this is a
23 September 9th of '23. Is this the same situation?

24 A. Yes, it appears it is.

25 Q. Do you know how many belly -- so the Yuker

66 1 yard is the one --

2 A. At the -- the one we were using during this
3 would be the 3046 Highway 22 North.

4 Q. Did it switch at some point in time?

5 A. No. Basically, the 876 East Broadway
6 address that we have is full, and we've had to
7 continue adding more room as we grow.

8 Q. The next one is Gate City 104, October 3rd.
9 "Winch S-207 out of ditch and up hill near Stanley."
10 Is this the same one that we looked at in the text
11 messages from earlier?

12 A. That could be. If the dates match, I would
13 assume probably.

14 Q. October 21, 2023, is Gate City 105. It
15 talks about towing S-207 and trailer from a truck
16 stop in Watford City. How would you have known it
17 was in Watford City?

18 A. We would have had to have received a phone
19 call.

20 Q. And the S-207 was like -- was it broken down
21 at that point, probably?

22 A. I would assume so.

23 Q. There are no further invoices. Is this when
24 you -- I mean, did you stop -- did you -- and, I'm
25 sorry. When I say "you," I'm always kind of

1 referring to Yuker Towing. But was this a point
2 where further business stopped with Stark Energy?

3 A. I believe so.

4 Q. Was there a discussion about why it stopped
5 with Mr. Fettig?

6 A. A large part of it was, to my understanding,
7 Rob didn't have any work, any need for our services.
8 The trucks were not running much.

9 Q. So there wasn't ever, like, an argument with
10 him about "I'm not going to do any more work because
11 you haven't paid me," or was there?

12 A. I don't like confrontation. There wouldn't
13 be an argument about that. It would be more along
14 the lines of me blocking his phone number and just
15 refusing to service his company anymore.

16 Q. Is there some point in time where you did
17 block his phone number?

18 A. Yes.

19 Q. Do you remember when that would have been?

20 A. I don't recall, but the phone logs should
21 give a pretty good indication.

22 Q. Can we look at Exhibit 8, which is the Stark
23 County Sheriff's Office inventory receipt? And this
24 is dated March 15, 2024. That's the date of your
25 son's birthday?

1 A. Yes, ma'am.

2 Q. Okay. And 3046 Highway 22, this is the
3 property without the gate that we've been talking
4 about. Right?

5 A. Correct.

6 Q. And all of these pieces of equipment were --
7 were they blocked in?

8 A. Yes, ma'am. Most all of the equipment that
9 was repossessed from our property at 3046 Highway 22
10 North was blocked in, and I had to either assist in
11 dragging it out to access by the tow companies that
12 arrived to remove it or move things out of their way
13 to access the equipment.

14 Q. Did Mr. Fettig show up at all this day?

15 A. I don't believe so.

16 Q. Do you have any idea where the remainder of
17 the property owned by Stark Energy was on this day?

18 A. I knew where some of it was at that day. I
19 mentioned it to one of the sheriff's deputies that he
20 had parked a truck and trailer at the truck stop in
21 Manning, and I knew that because we drive past
22 Manning all the time going to work in the areas where
23 all my equipment works.

24 Q. Did he just leave it there regularly, or --

25 A. It appeared that way, and it was clearly

1 visible from the highway.

2 Q. Do you know if it was broken down, or --

3 A. I do not.

4 Q. Do you know if he was concealing collateral
5 anywhere else?

6 A. I believe he was, but I do not know where.

7 Q. Why do you say you believe he was?

8 A. Because he had talked about owning a
9 hydrovac that wasn't running, that wasn't at his shop
10 anytime I dropped equipment off, and that's typically
11 the only place he stored broken equipment unless he
12 was hiding it.

13 Q. So he stored broken equipment at the shop?

14 A. Generally, yes.

15 Q. But if it was running and in use, it was not
16 typically at the shop?

17 A. Correct.

18 Q. Let's take a look, please, at Exhibit 5.

19 Hopefully, we should be pretty close to being done.

20 Can you explain to me what these photographs are of?

21 A. These are photographs taken at Stark
22 Energy's yard in Belfield.

23 Q. Who took the photo?

24 A. I did.

25 Q. When?

1 A. Short -- the batch with snow in the pictures
2 was shortly after all of Rob Fettig's equipment was
3 repossessed from 3046 Highway 22 North, and then the
4 photos without snow in them were taken shortly after
5 I received the subpoena from Gate City.

6 Q. So did you just kind of go out there and not
7 let him -- did you let him know you were going out
8 there, or not?

9 A. I did not tell him. I just went out there.

10 Q. Okay. Can you walk me through what you see
11 in these pictures? Or are these your notes?

12 A. They are my notes, yes.

13 Q. Okay.

14 A. They show parts of trucks completely
15 littering his property out in Belfield. Some of them
16 can even be identified and tied back to some of the
17 Stark Energy equipment via engine serial numbers.

18 Q. So looking at -- I think this is Gate City

19 106. Can you just explain your notes to me?

20 A. So in this picture you've got rims and tires
21 scattered on the ground, a pallet of batteries, and
22 they're all just laying there. Look like they
23 haven't been moved in quite some time.

24 Q. Okay. Are those rims and tires something
25 that could be used, or are they just totally junk?

1 A. I'm assuming they're totally junk.

2 Q. Okay. What about Gate City 107, the next
3 one? What do these notes mean?

4 A. So there's a -- multiple other parts laying
5 there: A fifth wheel plate, a pallet with some
6 engine cylinder heads, a couple of transmissions, and
7 just all kinds of miscellaneous other pieces of
8 trucks.

9 Q. Why do you believe -- it says, "Transmission
10 believed to be missing from a Stark Energy truck."

11 Why do you say that?

12 A. Because it's my understanding that Gate City
13 is under the assumption that parts are missing from
14 these trucks. I don't believe they're missing. I
15 believe the parts that are off of the trucks are all
16 laying right there in his yard.

17 Q. So what type of transmission would this go
18 to, one of the Kenworths?

19 A. Yes.

20 Q. And --

21 A. In fact, I believe one of the transmissions,
22 the transmission serial number can be tied to the
23 unit number, VIN number, of a Stark Energy truck
24 that's missing a transmission.

25 Q. And was it one that was seized at the Yuker

1 property?

2 A. The truck was, I believe.

3 Q. What does a "fifth wheel plate" mean?

4 A. It's a connector for hooking a trailer to
5 the back of a truck.

6 Q. And "pallet with cylinder heads"?

7 A. Yes.

8 Q. Are those engine parts for another Kenworth?

9 A. Yes, ma'am.

10 Q. What about Gate City 108, what is in this
11 picture?

12 A. There's large piles of tires and rims.

13 There's also many other miscellaneous truck and
14 trailer parts.

15 Q. And you think these could possibly be part
16 of the ones that were seized?

17 A. I -- I think that these were probably
18 removed at some point in time by Stark Energy off of
19 the equipment that was seized, yes.

20 Q. Is there any reason to remove these?

21 A. My guess, from what I seen, is a lot of it
22 is destroyed in one way or another, and when he
23 destroyed something, he probably removed parts off of
24 another item to replace it.

25 Q. Could these be put back on? I mean, are

1 they usable, that they could be re-put back?

2 A. Some of it could be reused. For example,
3 the rims that are laying everywhere could easily be
4 reused. There's probably nothing wrong with them.
5 The tires, on the other hand, are probably trash.

6 Q. 109, that's about a lift axle. What is
7 that?

8 A. That is a complete axle assembly that one of
9 his trucks, I believe, was missing, or trailers.

10 Q. So is this from a truck or from a trailer?

11 Any idea?

12 A. I'm not entirely sure. They could be put on
13 either, to be honest with you.

14 Q. Gate City 110, what do you see in this
15 photo?

16 A. There is tires, rims, fenders, more fifth
17 wheel plates, fuel tanks, toolboxes. It looks like a
18 step and just a ton of miscellaneous truck and
19 trailer parts.

20 Q. What do you mean "a step"?

21 A. Yeah. It's a step and toolbox, generally
22 mounted on the side of a Kenworth, judging by the
23 looks of that one.

24 Q. Where is that in the photo?

25 A. Towards the upper right. If you'd draw a

1 line directly across the bottom of the sticky note to
2 the right, it would be right there.

3 Q. Oh, that thing. Oh, okay.

4 Are any of these things of value?

5 A. I would assume so. I mean, there's a lot of
6 it that I think holds value.

7 Q. Like, could that step and toolbox thing be
8 resold or the rims resold?

9 A. Yes. Or they could be reinstalled on the
10 trucks that are missing them.

11 Q. What's that thing on the far right corner
12 under -- yeah, that.

13 A. I'm not entirely sure.

14 Q. Okay.

15 A. Give me just a second. It looks like a used
16 oil tote along with some more truck parts.

17 Q. A used oil what?

18 A. A used oil tote.

19 Q. Tote, T-O-T-E?

20 A. Yes.

21 Q. Okay. Would that have any value?

22 A. That would not. That would be where he
23 would discard waste engine oil from the trucks.

24 Q. What about the fifth wheel? What type of --
25 when you say "fifth wheel," is that like a trailer?

1 A. Generally mounted on a truck to hook the
2 trailer to.

3 Q. Let's look at Gate City 111, a "large pile
4 of tires and rims said to be missing from Stark
5 Energy trucks and trailers"?

6 A. Yes.

7 Q. Are these of any value or are reusable?

8 A. I would assume they would definitely have
9 value. I don't know the dollar amount, but some of
10 them look like they're holding air, so I would assume
11 the tires are not completely destroyed. Some of the
12 rims actually look pretty shiny and taken care of.
13 Some of the tires are possibly junk.

14 Q. What about the skid-steer? Is that
15 something you have viewed at Stark Energy's property
16 before?

17 A. It's something I've seen there. To my
18 knowledge, from what one of his drivers or mechanics
19 told me, they blew the engine in it.

20 Q. Oh. So it might not be functioning?

21 A. Correct.

22 Q. Gate City 112?

23 A. That's a photo of a transmission and
24 multiple clutches laying on the ground.

25 Q. And what kind of vehicle would this have

1 come from?

2 A. That would come from, more than likely, a
3 Kenworth, based on the bell housing.

4 Q. Why would something like this be laying
5 outside? I mean, was it damaged?

6 A. My -- my guess is it's damaged, and rather
7 than repairing it or rebuilding it, it was easier for
8 someone to remove it and just discard it.

9 Q. Gate City 113, what do you see in this
10 picture?

11 A. It's a -- multiple different parts that are
12 brakes, suspension, rims, looks like exhaust, valve
13 assemblies and suspension off of trailers.

14 Q. What's the really shiny thing in the middle?

15 A. That's a rim.

16 Q. Oh. Would that be for a Kenworth?

17 A. That would probably be for a Dragon vac
18 trailer, along with the valve that's red in color
19 slightly above it and to the left.

20 Q. Okay. That's for a Dragon, also?

21 A. Yes.

22 Q. Any of this stuff have value?

23 A. I would assume some of it does, yeah.

24 Q. Gate City 114, is this another -- just more
25 of a close-up of one we looked at earlier?

1 A. It is. It shows the step for the Kenworth
 2 truck better, along with the fuel tank and the
 3 toolboxes.

4 Q. And when did you say you took these pictures
 5 again?

6 A. Within just a couple of days of Gate City
 7 coming to our property and repossessing Stark
 8 Energy's equipment.

9 Q. What made you decide to go out there?

10 A. A suggestion from my brother.

11 Q. He said, "Go out and take photos"?

12 A. He said that it would be a good idea -- if I
 13 knew where the parts were off of the trucks that were
 14 repossessed, I should gather evidence of it.

15 Q. Did you -- did Yuker Towing take any parts
 16 and sell them off the trucks that were repossessed?

17 A. Absolutely not. We also couldn't have used
 18 any of the parts off of any of Stark Energy's
 19 equipment because they're not compatible with any of
 20 the trucks that Yuker owns. His trucks were all
 21 newer than Yuker's trucks, and none of the parts
 22 would fit.

23 Q. Gate City 115, is this a different engine
 24 than the one we saw earlier?

25 A. Yes, it is. And the parts of this engine

1 Q. What about -- let's see -- Gate City 116?

2 Is this just kind of another close-up of that same
 3 pile?

4 A. Yes.

5 Q. Okay. What does your comment mean?

6 A. So the photo there shows an entire engine in
 7 dismantled form. There is an engine block, a
 8 cylinder head, a valve cover, all of the internal
 9 pieces. The engine is complete, just completely
 10 dismantled laying outside there.

11 Q. Would it be able to be just put back in?

12 A. No. There's a giant hole inside the engine
 13 block.

14 Q. Oh. How does that happen?

15 A. General poor maintenance.

16 Q. 117, what are these other pieces of
 17 equipment sitting here?

18 A. A couple of trailers, and then there's a
 19 bunch of truck and engine parts in the background
 20 that you can see up towards the building.

21 Q. And the note that says "View of engine
 22 sitting along Stark Energy shop," is that the same
 23 one we were just looking at?

24 A. Correct. Yes.

25 Q. What type of trailers are these?

1 laying here can be tied back to, I believe, S-207.
 2 I'm not sure if that truck was missing an engine or
 3 not, but that's the engine serial number on the valve
 4 cover, at least.

5 Q. That little -- in the bottom -- sort of
 6 bottom left corner, you're talking about the serial
 7 number?

8 A. Yes.

9 Q. So there's a -- in the background, a little
 10 bit up, there's a white hood, it looks like.

11 A. Correct.

12 Q. Do you know which -- where that came from?

13 A. It's got a unit number on it, and I believe
 14 you can read the unit number in one of the other
 15 pictures.

16 Q. Okay.

17 A. It looks like 205.

18 Q. Okay.

19 A. So I would assume it came from S-205.

20 Q. What about the white truck that's there?

21 A. In the background?

22 Q. Yeah.

23 A. I have no idea.

24 Q. Do you know what Mr. Fettig drove?

25 A. I don't.

1 A. One appears to be a dump trailer for behind,
 2 like, a pickup truck, and one appears to be, like, a
 3 car hauler.

4 Q. Do those have value?

5 A. Well, I would assume so. The one trailer
 6 looks nearly new.

7 Q. What about the white -- I don't know what
 8 you call them -- cargo boxes in the back?

9 A. Yeah.

10 Q. What are those for?

11 A. I couldn't tell you for sure. They're
 12 sitting there with locks on them.

13 Q. So you don't know if there's anything in
 14 there or not?

15 A. I don't.

16 Q. 118, is this just another view of that
 17 S-205?

18 A. Yes, of the hood and some more tires that
 19 you can see.

20 Q. Okay. 119 looks to be a pretty similar
 21 picture. Is that right?

22 A. Yes.

23 Q. 120?

24 A. This is a view of much of the same stuff
 25 from a different angle.

1 Q. Okay. And the green thing, is that just a
2 garbage?

3 A. That is a roll-off dumpster, yes.

4 Q. 121, what about this one?

5 A. You can see a lot of parts piled up right
6 outside of the door of the shop, along with tires.
7 It looks like they were possibly removed and
8 discarded out the door.

9 Q. Is that an anhydrous tank there?

10 A. No. That's some kind of small plastic water
11 tank.

12 Q. What about the other thing that's kind of
13 sticking up in the background?

14 A. It looks like a tote of some sort.

15 Q. What about the skinny one in the -- skinnier
16 one in the background?

17 A. That's a power meter box.

18 Q. Oh, okay. 122?

19 A. This is a picture of tires and rims piled
20 around large drill bits.

21 Q. What is the thing that says -- it looks like
22 it's "644"?

23 A. That's a type of drill bit for a surface
24 rig.

25 Q. What about the circular thing way in the

1 repaired on the trailer, but if you don't know that,
2 you would probably remove it trying to fix it.

3 Q. Do you know if any of the ones that were
4 repossessed were missing this axle -- missing an axle
5 like that?

6 A. I do know one that was missing an axle.

7 Q. One --

8 A. I -- I couldn't find a tag on that axle, but
9 I would imagine that the suspension and possibly a
10 serial number would match that trailer that's missing
11 an axle.

12 Q. What about 126? Is this another angle?

13 A. Yeah. And it also shows a hydraulic cooler
14 assembly and hydraulic hoses that had been removed
15 off of something.

16 Q. Would this be from a Kenworth truck or
17 something else?

18 A. I would -- I would assume that could be from
19 a Kenworth truck. It looks fitting to what Stark
20 Energy's equipment was and how it was set up.

21 Q. 127, belly dump on this one?

22 A. So this is more than likely why the axle was
23 removed. You can see -- the sticky note covers it a
24 little bit, but the spindle underneath the sticky
25 note is damaged and burned off.

1 back?

2 A. All three of the circular things, the -- the
3 two spiral things and the circular item in the back,
4 are all drill bits for a surface rig.

5 Q. And why did you say "Tires are claimed to be
6 missing" again? Do they look like they're usable,
7 or --

8 A. Yeah, these ones do look like they're
9 usable. Judging by the picture, you can see tread.
10 They appear to be holding air. They look usable.

11 Q. 123?

12 A. These are the parts that have been just
13 thrown out the door. It looks like they were doing
14 some kind of work and discarded them in a hurry.

15 Q. 124, what do you see in this photo?

16 A. There is fenders, brake drums, brake shoes,
17 slack adjusters, air tank, radiator, and all kinds of
18 miscellaneous parts for Dragon vac trailers, Kenworth
19 semis, and belly dump trailers.

20 Q. 125?

21 A. That is an entire axle for a belly dump
22 trailer.

23 Q. Now, why would somebody remove that? Only
24 if it was damaged, or --

25 A. I would assume so. They actually can be

1 Q. And probably why it was removed, is your
2 thought?

3 A. That's my assumption.

4 Q. 127? Or, I'm sorry. That was 127. 128?

5 A. There's a picture of a couple of hydraulic
6 cooler assemblies and a fender, couple of fenders,
7 and they're actually -- one's partially dismantled,
8 but they -- they appear to be similar to what was on
9 Stark Energy's equipment.

10 Q. What type of equipment would that be used
11 on?

12 A. Those hydraulic cooler assemblies were used
13 to keep the hydraulics cool running the Dragon vac
14 trailers.

15 Q. And the fender, would that be a Kenworth?

16 A. I would assume so, looking at the style of
17 it.

18 Q. 129?

19 A. That's a close-up view of the valve cover
20 showing the engine's serial number that it was
21 removed from and the VIN number of the truck that it
22 correlates to.

23 Q. So this was -- you figured out that this
24 belongs to S-207?

25 A. That is correct.

1 Q. And you got -- you got these records from

2 Wallwork Truck Center?

3 A. That's correct.

4 Q. What about 130? What's on this one?

5 A. That one shows the hole in the engine block,
6 some parts of vac pumps that came off of the Dragon
7 trailers, another hydraulic tank and cooler assembly,
8 and a couple more fenders.

9 Q. 131?

10 A. These are engine cylinder heads on a pallet
11 that were sitting out there, and there's at least two
12 there. They go to an ISX Cummins, based on the shape
13 and design, which is what all of Stark Energy's
14 engines were in their trucks.

15 Q. In the Kenworths?

16 A. In the Kenworths.

17 Q. So "This goes to one of his units that is
18 missing," one of the -- what do you mean by "is
19 missing"?

20 A. I believe one of the trucks that was
21 recovered from 3046 Highway 22 North, the truck was
22 missing the cylinder head off of the engine.

23 Q. And then the other one, "Head belongs to an
24 engine block in another photo, and those parts are
25 the engine missing from one of the trucks"?

1 A. Correct.

2 Q. Is that another Kenworth one?

3 A. Yes, it is. It's another Cummins out of one
4 of the Kenworth trucks.

5 Q. Okay. What about 132?

6 A. That's a transmission serial number and the
7 transmission model number, which is the same model
8 number as Stark Energy's equipment, the Kenworth. I
9 believe -- I didn't find it, but I believe the serial
10 number will match one of his units.

11 Q. 133. So is this from a different time since
12 it doesn't appear to have snow?

13 A. This is from a different time, yes.

14 Q. When would it have been?

15 A. This was from shortly after the subpoena
16 from Gate City was received.

17 Q. Was it the subpoena in this bankruptcy case?

18 A. Correct.

19 Q. So end of May/early June of this year?

20 A. Correct.

21 Q. Okay. And what is 133?

22 A. The photo -- oops. Batteries of multiple
23 kinds, some specific to Kenworth trucks.

24 Q. 134?

25 A. It's a picture of a lot of tires and rims --

1 many of them look to be in usable condition -- piled
2 up along Stark Energy's shop, way more than one or
3 two trucks could use.

4 Q. What about the -- is that a skid-steer
5 there?

6 A. That is correct.

7 Q. I see there's like a blue truck in that
8 picture, S-211. Is that right?

9 A. I believe so.

10 Q. Is that the same skid-steer that you
11 mentioned earlier you thought was -- or that the
12 employees told you was damaged?

13 A. Correct.

14 Q. 135, is this just more --

15 A. It's -- it's -- so that -- that large pile
16 of tires by the skid-steer is so large it extends the
17 entire length of S-211 and down the side of the
18 building, showing a ton of tires and rims, many of
19 which could be usable.

20 Q. And have value?

21 A. Yes.

22 Q. What about 136?

23 A. That is a photo of PTO batteries, a fuel
24 tank, a step assembly, and the saddle brackets that
25 the actual tank sits on.

1 Q. Was this -- do you recall this fuel tank
2 being there the last time you were out there?

3 A. I believe it was, but it might be a new one.

4 Q. What would it be a fuel tank for?

5 A. Judging by the shape and size, I would say
6 it's for a Kenworth truck. I don't remember if those
7 have serial numbers on them.

8 Q. 137?

9 A. These are the tires and brakes that were in
10 the pictures taken back in March. They're just --
11 you can see a lot more because they're -- stuff's not
12 covered in snow. There's multiple fifth wheel plates
13 and many other brakes and tires. Some of it was
14 completely coated in snow in the previous pictures.

15 Q. It looks like there's a -- is that a license
16 plate number that's there by the tire?

17 A. No. No. That's a -- some kind of
18 identifying part number for the fifth wheel plate.

19 The one fifth wheel plate on the left actually is
20 painted the same color as some of the Stark Energy
21 trucks.

22 Q. Were they typically blue?

23 A. He had a couple of blue ones.

24 Q. 138?

25 A. This photo shows many vac pumps and pieces

1 of vac pumps that would be typical of a Dragon
 2 trailer to use for loading and unloading. There's
 3 also rims and tires, brakes, and other trailer
 4 components that all would fit a Dragon trailer.

5 Q. 139?

6 A. I think this one just got mixed in because
 7 there's snow in it, but this is another picture of
 8 hydraulic tanks, fenders, brakes, and looks like the
 9 axle from the belly dump.

10 Q. What about 140?

11 A. That is another transmission serial number
 12 tag and part number -- or model number off of one of
 13 the transmissions laying out there. That model
 14 number is specific to a lot of the Stark Energy
 15 trucks. They use that transmission.

16 Q. Whose handwriting is this one?

17 A. I believe Jen's with Murtha Law.

18 Q. Exhibit 6, are there -- did you get a chance
 19 to look through Exhibit 6?

20 A. I did.

21 Q. All right. Are there any that you can tell
 22 or that you believe may have been, you know, the
 23 missing -- a truck that's missing some of the parts
 24 we just looked at?

25 A. Not based on the pictures, I can't.

1 Q. If we look at 151 -- oh, it's a -- it's
 2 identified as being a belly dump. Did you say these
 3 are just for aggregate hauling again?

4 A. Typically, yes.

5 Q. What about the 145, which is a side dump or
 6 a trailer? What are those used for?

7 A. Typically, aggregate or some type of
 8 aggregate.

9 MR. VERSTANDIG: What do the numbers
 10 correlate to?

11 THE WITNESS: Which numbers?

12 MR. VERSTANDIG: Ms. Stanley asked about
 13 145, and these appear to begin at 162. Oh, you're
 14 going by page number. Sorry. I have lot numbers.

15 Okay.

16 Q. (BY MS. STANLEY) So on 145 -- Lot 181, I
 17 think those are the lot numbers for the auction
 18 company.

19 A. Okay.

20 Q. And then the Dragon trailers, are those only
 21 used for hauling frac water or hauling clean water to
 22 use in fracking?

23 A. Typically. They could potentially be used
 24 for hauling fresh water to water roads, but that's
 25 pretty uncommon around the oil field.

1 Q. Okay. Do you know if Stark Energy had --
 2 did they do a lot of work in hauling frac water?

3 A. Yes, they did.

4 Q. One of the -- 154, the Dragon trailer, it
 5 says it's missing a blower. Did you notice any
 6 blowers while you were out looking around for parts?

7 A. I did. What they're referring to is -- a
 8 blower is actually the vac pump, and there's many of
 9 those in the pictures that I took.

10 Q. So is the vac pump -- well, what's the thing
 11 that is hanging off that looks like a garbage can at
 12 the back of that?

13 A. That?

14 Q. Yeah.

15 A. That is a -- what they call a scrubber that
 16 is used to protect the vacuum pump on the trailer.
 17 And when drivers are negligent, generally that will
 18 fill with fluid, and then the fluid will run into the
 19 vac pump and destroy the vac pump.

20 Q. Exhibit 7, can you tell me what these
 21 documents are intended for, or where do they come
 22 from?

23 A. Those were documents acquired from
 24 Wallwork's Truck Center in Dickinson, and they were
 25 used to connect the engine serial numbers or

1 transmission serial numbers or axle serial numbers of
 2 Stark Energy's equipment that Wallwork's had on file
 3 with the equipment parts that were in Stark Energy's
 4 yard.

5 Q. And you went and asked for these?

6 A. From Wallwork's Truck Center, yes.

7 Q. Is that where they typically -- why would --
 8 I mean, why would Wallwork have these? Were they the
 9 normal repair company for them?

10 A. He -- they were the normal parts supplier
 11 for Stark Energy. They did no repair work, to my
 12 knowledge, for Stark Energy.

13 Q. Who would have done repair work for Stark
 14 Energy?

15 A. From what I've always known, Stark Energy
 16 always employed mechanics of some sort in their own
 17 shop and did all their own repairs.

18 (A discussion was held off the record.)

19 (Recess taken from 12:59 p.m. to 1:11 p.m.)

20 Q. (BY MS. STANLEY) So, Mr. Yuker, on the
 21 bankruptcy schedules there are two Dragon trailers
 22 that are still identified as being missing. Do you
 23 have any idea where Stark Energy could have misplaced
 24 two Dragon trailers?

25 A. I would assume probably wherever the

1 hydrovac was before it reappeared at Stark Energy's
 2 shop.
 3 Q. When do you think -- when did it reappear?
 4 A. After his filing for bankruptcy when we --
 5 after we received the notices of him filing for
 6 bankruptcy.

7 Q. Is this the one that you thought was in
 8 Manning?

9 A. The -- no. The one I seen in Manning was --
 10 I don't recall the number on it, but it had a Dragon
 11 vac trailer on it. I didn't pull into the Manning
 12 truck stop and examine the unit. I just seen it in
 13 passing.

14 Q. What about have you ever seen a Reitnouer
 15 trailer, flatbed?

16 A. At one time I did in Stark Energy's yard in
 17 Belfield.

18 Q. Any idea when that was?

19 A. I would -- I would guess to say early to mid
 20 2023.

21 Q. Okay.

22 A. The pictures taken at Stark Energy's yard in
 23 Belfield on -- around the time we received the
 24 subpoena, that Dragon trailer that's hooked behind
 25 S-211, that had no identifying features to it.

1 The -- it appeared the VIN number had been removed
 2 off of that trailer.

3 Q. So this was in May and June?

4 A. Correct.

5 Q. There was a Dragon trailer that was out
 6 there?

7 A. Correct. It was hooked to that S-211. It
 8 actually can be seen in some of the pictures that I
 9 took.

10 Q. Did you actually go up to it and look for a
 11 VIN number?

12 A. I did.

13 Q. And they weren't --

14 A. Because the -- correct, the VIN number had
 15 been removed. The officers, when they repossessed
 16 the equipment from our property, 3046 Highway 22
 17 North, had mentioned that there was still equipment
 18 missing, and because of that, we felt that we should
 19 look when we were taking the pictures to see if we
 20 couldn't help in locating the equipment that was
 21 still missing.

22 Q. So it was attached to the back of the S-211,
 23 the blue truck that was out there?

24 A. Correct.

25 Q. What about an S-205? Was that the one that

1 had the hood missing?

2 A. I believe so. I believe that was the
 3 picture -- one of the pictures that was S-205 that
 4 was missing.

5 Q. What about S-10? Does that one sound
 6 familiar? That was a 2007 International?

7 A. That one is still on our property at 3046
 8 Highway 22 North.

9 Q. And is that one functioning at all?

10 A. No. That's the one that I had mentioned is
 11 dismantled, missing a transmission, missing some
 12 tires and rims, and the tires that are on it are not
 13 fastened completely, and the engine is dismantled.

14 Q. Do you recall how that one got out there?

15 A. We towed it out there, and there's records
 16 of that.

17 Q. Is that one of the invoices we looked at
 18 earlier, do you think?

19 A. That is -- yes.

20 Q. Was that one that was listed as collateral?

21 A. Yes.

22 Q. And was Mr. Fettig aware of where this S-207
 23 was?

24 A. (No audible response.)

25 Q. Like, has he ever asked you where -- you

1 know, like "Do you know where this particular piece
 2 of equipment is?" or anything like that?

3 A. He did. I don't remember when, but he did,
 4 and I told him that it is on my property.

5 Q. Is there any value to it?

6 A. Possibly salvage value.

7 Q. Do you know if Stark Energy or Mr. Fettig
 8 are operating right now or in the last, you know,
 9 like six months under a different name or partnering
 10 with somebody else?

11 A. I'm not aware. I blocked Rob's -- Rob's
 12 phone number, all of his phone numbers, including his
 13 mother's, on 3/15, and I haven't spoke to him unless
 14 he's managed to collar me in public somewhere since.

15 Q. Has that happened?

16 A. Yes.

17 Q. Where was that?

18 A. That was at Wallwork's Truck Center when I
 19 was dropping off a truck that we towed in.

20 Q. So when would this have been?

21 A. That I --

22 Q. That you ran into him at Wallwork.

23 A. That was approximately May of 2024.

24 Q. And what happened in that interaction?

25 A. He had some guy with him that he claimed to

1 be his new mechanic, and that he wasn't trying to
 2 cause any trouble, but he was looking for a truck,
 3 and he was asking if I knew where it was, and I -- I
 4 don't recall some of the other random crap he said.

5 Q. What truck was he looking for?

6 A. I don't recall.

7 Q. Was he threatening at all or just -- how
 8 would you characterize it?

9 A. I would say that his demeanor was
 10 threatening, but trying to not have a bad altercation
 11 in public.

12 Q. Have you had any other interactions with him
 13 or with Delene Fettig since --

14 A. No.

15 Q. No?

16 A. No.

17 MS. STANLEY: I think I am done. Thank you
 18 for your time. It's greatly appreciated.

19 THE WITNESS: No problem.

20 MR. VERSTANDIG: Just a few questions. I
 21 promise I will be shorter.

22 THE WITNESS: Okay.

23 EXAMINATION

24 BY MR. VERSTANDIG:

25 Q. Sir, putting aside offenses related to the

1 A. 17.

2 Q. Home invasion, does that correlate to the
 3 larceny, or is that a separate occurrence?

4 A. That's the same occurrence.

5 Q. Were you incarcerated for any period of time
 6 in your life?

7 A. I was when I was 17.

8 Q. For how long were you incarcerated?

9 A. I spent approximately three months in jail,
 10 three months in prison, and three months in state
 11 alternative incarceration boot camp.

12 Q. You're approximately 35 years old now.

13 Correct?

14 A. Correct.

15 Q. In the past 14 years, so since you turned
 16 21, have you been charged with any offense, again,
 17 other than the speed with which you've operated a
 18 motor vehicle?

19 A. I think there was something about not
 20 wearing a seat belt and possibly a passing where
 21 prohibited.

22 Q. Okay. You spoke about an SBA loan earlier
 23 today which correlated to two \$50,000 loans. Do you
 24 recollect that?

25 A. Yes.

1 speed with which you've operated a motor vehicle,
 2 have you ever been charged with a crime?

3 A. Yes.

4 Q. Okay. What crimes have you been charged
 5 with since you turned 18 years old?

6 A. Since I've turned 18 years old?

7 Q. Let's do pre-18 next.

8 A. I can't recall if it was prior to being 18
 9 or after, but I --

10 Q. Since you were 10 years old, what crimes
 11 have you been charged with?

12 A. Okay. Minor in possession. Fleeing and
 13 eluding. Larceny from a building. Home invasion.
 14 Driving under suspension. Marijuana possession. I
 15 think that's it.

16 Q. All right. The minor in possession, was it
 17 marijuana or a different substance?

18 A. It was tobacco or alcohol.

19 Q. Okay. Larceny from a building, what were
 20 you accused of stealing?

21 A. I stole \$50,000 cash with one of my
 22 classmates from school.

23 Q. How old were you at the time?

24 A. What's that?

25 Q. How old were you at the time?

1 Q. Was that an EIDL loan?

2 A. That was.

3 Q. Okay. Was the EIDL loan taken out by your
 4 company?

5 A. Yes.

6 Q. Okay. Did you indicate to the SBA that the
 7 purpose of the loan was to lend monies to a third
 8 party?

9 A. No.

10 Q. You had spoken earlier about a point in time
 11 when you shared with Gate City Bank that you were
 12 knowledgeable about the whereabouts of some of their
 13 collateral. Do you recollect that?

14 A. Yes.

15 Q. What prompted you to reach out to Gate City
 16 Bank about knowing the whereabouts of their
 17 collateral?

18 A. A feeling of obligation.

19 Q. How did you know it was their collateral?

20 A. Rob had mentioned it, that he had loans
 21 outstanding with Gate City.

22 Q. Okay. Did you know they were trying to
 23 recover their collateral?

24 A. I -- I wasn't aware of when Gate City was
 25 going to be trying to recover their collateral. I

1 had several conversations with Stepheny Reger from
 2 our local Gate City branch trying to see when they
 3 would want it back and how we could help with that.
 4 Q. Did you seek any compensation for helping
 5 them with that?

6 A. No monetary values were put on anything.
 7 Q. I understand that, but did you suggest that
 8 there would be some monetary remuneration without
 9 putting a value down on it?

10 A. I asked if we could be paid for any of the
 11 work we had done.

12 Q. Did you assert a lien on any of the items
 13 for unpaid tow fees or storage fees?

14 A. We did not.

15 Q. Now, I think you had indicated earlier that
 16 the pandemic roughly coincided with sort of the
 17 economic demise of Stark Energy. Correct?

18 A. That is correct.

19 Q. If you go to GC 140 -- and I promise there's
 20 only going to be two exhibits here -- it is this
 21 model and date, and I think it's indicated to be a
 22 transmission serial number tag. Can we agree
 23 that that date is -- sorry. Wait for it to come up.
 24 Can we agree that date is March 26, 2022?

25 A. Yes.

1 Q. Can we agree that's after a novel
 2 coronavirus found its way to the United States?

3 A. Yes.

4 Q. Okay. How is it, to the best of your
 5 understanding, that Stark Energy procured a new
 6 transmission in March of 2022?

7 A. I have no idea.

8 Q. So it's possible they had economic
 9 activities beyond the scope of your knowledge?

10 A. Yes.

11 Q. And then I want to go to GC 111, which will
 12 be the last exhibit I reference. I promise. This is
 13 one of the snowy pictures. There you go.

14 And you had testified earlier that there
 15 were some -- and I quote -- shiny rims in this
 16 picture. Do you remember that?

17 A. Yes.

18 Q. I do not mean to be a smart aleck in any
 19 way, shape, or form.

20 A. Okay.

21 Q. Can you point out which ones you think are
 22 shiny?

23 A. If you look at the two rows of tires closest
 24 to the door, the garage door --

25 Q. Yes.

1 A. -- in front -- in front of the closest row
 2 to the door, that rim that is laying down completely
 3 on the ground appears to be shiny.
 4 Q. Okay. The one that's directly in front of
 5 the tire that has snow going from about 6 o'clock to
 6 12 o'clock?

7 A. I believe so.

8 Q. Okay. Anything else in this picture that
 9 strikes you as a shiny rim?

10 A. Not upon closer examination.

11 Q. Okay. What is Highland Properties, LLP?

12 A. I believe that's the individual that I
 13 bought the 4148 First Street Southwest address from.

14 Q. Do you have any relationship with it?

15 A. With Highland Properties?

16 Q. Yes. Other than having procured property
 17 from them, do you have any relationship with the
 18 company?

19 A. No.

20 Q. Okay. Are you familiar with a company
 21 called RJY Services, Incorporated?

22 A. I'm familiar with it.

23 Q. Okay. What is it?

24 A. That is a company that my brother had years
 25 ago in Michigan.

1 Q. Okay. When did you leave Michigan, by the
 2 way?

3 A. Approximately 2010.

4 Q. Do you remember when in 2010, by chance?

5 A. I don't.

6 Q. Okay. What caused you -- I think you
 7 testified earlier there were better economic
 8 opportunities in North Dakota. Correct?

9 A. That is correct.

10 Q. Is there anything else that prompted your
 11 exit from Michigan?

12 A. Not really.

13 Q. Okay. Do you remember the season when you
 14 left Michigan?

15 A. I believe it was summertime.

16 Q. Is it possible the summer of 2010 you
 17 purchased an 18-foot boat and registered it in
 18 Michigan?

19 A. I --

20 Q. Perhaps a 1970 outboard fiberglass Sea Ray?

21 A. Possibly.

22 Q. Do you know why you purchased a boat right
 23 before coming to a landlocked state?

24 A. I believe it would have been for resale.

25 Q. What is Yuker Oilfield Services, LLC?

1 A. It is a company that me, my father, and my
2 brother were trying to put together.

3 Q. When was that?

4 A. Prior to my father's passing last May.

5 Q. Did the company ever open a bank account?

6 A. I don't believe so.

7 Q. Did the company ever transact any business
8 with third parties?

9 A. No.

10 Q. What is Yuker Enterprises, LLC?

11 A. That is a company that I had started with
12 intentions of getting off the ground in a different
13 marketplace than Yuker Towing.

14 Q. Which marketplace were you targeting?

15 A. I believe that one was going to be directly
16 tied to rental.

17 Q. Meaning the rental of trucks and truck
18 equipment?

19 A. Trucks and cars and things of that nature.

20 Q. Okay. I know it's been about three and a
21 half hours, but as you reflect on the questions and
22 answers from today, are there any answers you would
23 want to change or that you believe were inaccurate in
24 nature?

25 A. Not to my knowledge.

1 MR. VERSTANDIG: Nothing further.

2 MS. STANLEY: I don't have any other
3 questions.

4 MR. VERSTANDIG: Mr. Murtha, I'm guessing
5 he'll read?

6 MR. MURTHA: Yes.

7 THE COURT REPORTER: Okay. Does anyone need
8 hard copies, or just electronic for everyone?

9 MS. STANLEY: I think just electronic.

10 MR. VERSTANDIG: I am not ordering. I
11 represent the Debtor in this case, and we have no
12 money.

13 THE COURT REPORTER: Okay. Mr. Murtha?

14 MR. MURTHA: Just an electronic copy,
15 please. Thank you.

16 (These proceedings were concluded at
17 1:33 p.m.)

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RULE 2004 EXAMINATION CORRECTION SHEET

CASE TITLE: In Re: Stark Energy, Inc., Debtor.

NAME OF WITNESS: Andrew Yuker, individually and on behalf of Yuker Towing & Repair, LLC

RULE 2004 EXAMINATION DATE: June 24, 2024

Page No. Line No. Correction/Change Reason

7 _____

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Dated Andrew Yuker, individually and on behalf of Yuker Towing & Repair, LLC

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1 NOTARY REPORTER'S CERTIFICATE

2 STATE OF NORTH DAKOTA
3 COUNTY OF CASS

4 BE IT KNOWN, I took the foregoing
5 Videoconference Rule 2004 Examination of Andrew
Yuker, individually and on behalf of Yuker Towing &
Repair, LLC;

6 THAT, I was then and there a Notary Public in
7 and for the County of Cass, State of North Dakota,
and exercised the power of that office in taking said
Rule 2004 Examination;

8 THAT, said witness, before testifying, was
9 remotely sworn to tell the truth, the whole truth,
and nothing but the truth;

10 THAT, the reading and signing of the Rule 2004
11 Examination by the witness was reserved;

12 THAT, I am not related to or employed by or
13 contracting with any of the parties or attorneys to
14 the action in which this Rule 2004 Examination is
taken and am not financially interested in this
action;

15 THAT, the cost of the original has been charged
16 to the party who noticed the Rule 2004 Examination,
and that all parties who ordered copies have been
17 charged the same rate for such copies;

18 THAT, the testimony was taken down in stenotype
19 by me and reduced to one hundred six (106)
20 typewritten pages and is a true and correct
transcript of the proceedings to the best of my
ability and given the quality of the audio in the
remote setting.

21 WITNESS my hand and seal this 30th day of June,
22 2024.

23
24 /s/ Carolyn Taylor Pekas
Carolyn Taylor Pekas, Notary Public, North Dakota
25 My commission expires: December 16, 2026